



**The following paragraph sets forth reasons for which a Variance may be approved, please check the circumstances that apply to your request and briefly describe in the space provided.**

**Grounds for approval of a Variance:** Per Section 23-25(b)(3) A Variance may be granted at the discretion of the Community Development Board, for the following reasons.

1. Exceptional topographic elevation changes that would result in the likelihood that preserved or planted materials would not survive.

2. Existing electrical lines or utility easements that prevent or restrict the preservation or planting of landscape materials.

3. Barrier island or dune ecosystem planting conditions that cannot support certain hardwood species.

4. Designs and plans that, to the greatest extent feasible, avoid encroachment upon preservation areas and/or trees.

- a. Approval of a Variance. To approve an application for a Variance, the Community Development Board shall find that the request is in accordance with the preceding terms and provisions Section 23-25(b)(3) and that the granting of the Variance will be in harmony with the Purpose and Intent of this Chapter.
- b. Approval of Lesser Variances. The Community Development Board shall have the authority to approve a lesser Variance than requested if a lesser Variance shall be more appropriately in accord with the terms and provisions of this Section and with the Purpose and Intent of this Chapter.
- c. Nearby Nonconformity. Nonconforming characteristics of nearby Lands, Structures or Buildings shall not be grounds for approval of a Variance.
- d. Waiting period for re-submittal. If an application for a Variance is denied by the Community Development Board, no further action on Another application for substantially the same request on the same property shall be accepted for 365 days from the date of denial.
- e. Time period to implement Variance. Unless otherwise stipulated by the Community Development Board, the work to be performed pursuant to a Variance shall begin within twelve (12) months from the date of approval of the Variance. The Community Development Director, upon finding of good cause, may authorize a one-time extension not to exceed an additional six (6) months, beyond which time the Variance shall become null and void.

**ADDITIONAL COMMENTS:**